

App. No. 10/716,691  
Amdt. Dated April 1, 2005  
Reply to Office Action of December 30, 2004  
Atty. Dkt. No. 8591-112

### REMARKS/ARGUMENTS

This reply is responsive to an office action mailed on December 30, 2004. Reconsideration and allowance of the application and presently pending claims 1-18 are respectfully requested.

#### Present Status of the Patent Application

Claims 1-18 remain pending in the present application. Claims 1-18 have been rejected. Claims 1, 7, and 13 have been amended.

#### Response to Objection to the Specification

Correction of the third paragraph of the specification has been required by the Office Action due to a number of blank areas for the serial numbers of co-pending cases. Applicant has amended the third paragraph to include these serial numbers to overcome this objection.

#### Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Howington (US PG Pub. No. 2002/0152120). Applicant respectfully traverses this rejection.

For a proper rejection of a claim under 35 U.S.C. §102(e), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

App. No. 10/716,691  
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Atty. Dkt. No. 8591-112

### *Independent Claim 1*

Independent claim 1, as amended, is allowable for at least the reason that Howington does not disclose, teach, or suggest that "continually monitoring movement of the guest over time within the confined area" or "creating reports on the demographics and continuous movements of the guests."

In this regard, and with reference to the teaching of the Howington patent, the Office Action has cited paragraphs [0022] and [0036]:

[0022] ... Patron information includes a wide variety of data including tracking patrons throughout the casino and any attached resort attractions, tracking gaming, credit restaurant, recreational and retail transactions...

[0036] As mentioned earlier, many casinos also employ data gathering techniques (e.g., magnetic swipe cards at each machine) for identifying a patron and associated personal information, the patron's location within the casino, that patron's wagering characteristics, that patron's affiliation with other groups or patrons, promotional items or comps related to the patron, and that patron's other activities related to arriving at, enjoying and departing from the casino. Embodiments of the present invention contemplate sharing of the patron related information with the machine management database information described earlier. The sharing of this information allows scores for and evaluation of games and players. Game and player-related relationships may also be compared on any basis such as game type, denomination, location, group, age, sex, status, and club level. Additionally, virtually any relationship comparison may be reviewed and reported using the system of the present invention making evaluation of such data simpler and faster than traditional methods.

As can be verified from a review of these cited portions of Howington, there is no teaching or disclosure of "continually monitoring movement of the guest over time within the confined area." Howington merely discloses at paragraph [0036] "data gathering techniques (e.g., magnetic swipe cards at each machine) for identifying a patron ..., the patron's location within the casino ..." Using this system, the **only** time the location of

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Atty. Dkt. No. 8591-112

the patron is known occurs when the patron uses their card at a gaming machine, casino attraction, restaurant, or for any other transaction. The route taken by the patron when moving from a first known location to a second known location is **not** tracked. Locations visited by the patron that do not involve the use of this card are **not** tracked. The current location of the patron is only as good as his most recent use of his card, which may be currently, minutes ago, or even hours ago. Therefore, Howington does not disclose "continually monitoring movement of the guest over time within the confined area".

As can be further verified from a review of these cited portions of Howington, there is no teaching or disclosure of "creating reports on the demographics and continuous movements of the guests." Howington merely discloses the use of magnetic swipe cards or the like for identifying a patron at a particular location, such as a gaming machine, casino attraction, restaurant, or other location where they might make a transaction with their card. This information, at best, could provide reports showing a chronological listing of the locations the patron visited using their card, but would **not** be able to show the actual movement between these locations or any locations they visited without using their card. In fact, Howington appears to teach away from this element, because each of the reports described in the specification are focused on gaming machine performance, **not** the movement of the patron. Therefore, Howington does not disclose "creating reports on the demographics and continuous movements of the guests".

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Howington patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Howington patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

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### *Independent Claim 7*

Independent claim 7, as amended, is allowable for at least the reason that Howington does not disclose, teach, or suggest "means for continually monitoring movement of the guest over time within the confined area" or "means for creating reports on the demographics and continuous movements of the guests" as described above regarding claim 1. Accordingly, the Howington patent fails to teach or disclose the invention as defined by claim 7, and the rejection of claim 7 should be withdrawn.

### *Independent Claim 13*

Independent claim 13, as amended, is allowable for at least the reason that Howington does not disclose, teach, or suggest a "module for continually monitoring movement of the guest over time within the confined area" or a "module for creating reports on the demographics and continuous movements of the guest" as described above regarding claim 1. Accordingly, the Howington patent fails to teach or disclose the invention as defined by claim 13, and the rejection of claim 13 should be withdrawn.

### *Dependent Claims*

Dependent claims 2-6, 8-12, and 14-18 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 1, 7, and 13, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).